

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
D. Glenn Purcell

Application No.: 10/590,533

Confirmation No.: 9803

Filed: May 24, 2007

Art Unit: 3731

For: DAMPENING AND RETRACTION
MECHANISM FOR A LANCING DEVICE

Examiner: Sarah A. Simpson

THIRD INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application in accordance with 37 C.F.R. § 1.98(a)(2). Applicant submits herewith copies of any cited non-patent documents and foreign patent documents in accordance with 37 C.F.R. § 1.98(a)(2).

This application claims priority to Application No. 60/542,779 filed February 6, 2004 and is the U.S. National Phase filing of International Patent Application No. PCT/US2005/003624 filed February 4, 2005.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists. In accordance with 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is “prior art” for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 C.F.R. § 1.98 and the Examiner is respectfully requested to consider the listed references.

This Third Information Disclosure Statement is being submitted after the mailing of the first Office Action reflecting an examination on the merits, but each item of information contained on the Form PTO-1449 was cited an office action in a related application not more than three months prior to the filing of this Third Information Disclosure Statement. Therefore, in accordance with 37 C.F.R. § 1.97(c), no fee should be due at this time. It is believed that no other fees are due; however, should any additional fees be required (except for payment of the issue fee) or credits for overpayment be due, the Commissioner is authorized to deduct the fees or credit the overpayment to Nixon Peabody LLP Deposit Account No. 50-4181, Order No. 247082-000155USPT.

Dated: February 26, 2009

Respectfully submitted,

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